

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Revision No.295 of 1996.
DECIDED ON : 13.7.2009.**

Sardara Ram

Petitioner

VERSUS

State of Haryana.

Respondent.

CORAM HON'BLE MR. JUSTICE JORA SINGH

Present: Mr.Hari Pal Verma, Advocate,
for the petitioner.
Mr. K.S.Godara, Deputy Advocate General,
Haryana for the respondent.

JORA SINGH,J.

Sardara Ram has filed this revision to impugn the judgment dated 6.5.1996 rendered by Additional Sessions Judge, Narnaul vide which the appeal of the petitioner against the judgment/order dated 18.4.1994 passed by Judicial Magistrate, Ist Class, Mahendergarh in complaint under Section 16(1) (c) of the Prevention of Food Adulteration Act, 1954 (for short, the Act) was dismissed.

Complaint under Section 16(1) (c) of the Prevention of Food Adulteration Act, 1954 was filed by Government Food Inspector on the allegation that on 30.1.1988 at about 5.30 P.M. he along with Dr.

M.P.Lamburia, and other officials inspected the kiryana shop of Sardara Ram situated at bus stand Nangal Sirohi. Sardara Ram was found in possession of kiryana articles like gur, pulses, sugar, zeera etc. The Government Food Inspector after disclosing his identity had demanded a sample of 450 grams of Zeera for analysis against payment. 2 Kgs of Zeera was kept in a tin for public sale.

Notice in form VI for taking the sample of Zeera was prepared. Food Inspector tried to serve notice then accused refused to accept the same and ran away from the shop after giving push to the Food Inspector. The Food Inspector and other officials are tried to catch hold of him but failed to apprehend him.

After completing the necessary formalities, complaint was instituted.

On merits, revisionist was convicted under Section 16(1)(c) of the Act and was sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.1,000/-. In default of payment of fine, he shall further undergo rigorous imprisonment for a period of one month.

Feeling dissatisfied with the judgment of the learned Judicial Magistrate, Ist Class, Mahendergarh,

first appeal was preferred but the appeal was dismissed by the learned Additional Sessions Judge, Narnaul.

Learned counsel for the revisionist argued that occurrence is dated 30.1.1988. At that time, revisionist was 54 years old. Now he is aged 75 years. Revisionist is the first offender. Impugned judgment is not challenged on the point of conviction. The learned counsel requested that a lenient view be taken on the point of sentence and order the revisionist to undergo imprisonment already undergone because the revisionist remained in custody about one and a half month.

Mr. K.S.Godara, Deputy Advocate General, Haryana, for the respondent argued that there is no dispute that the revisionist is 75 years old. Occurrence was in the month January, 1988. He raised no objection if lenient view is taken in the matter of sentence.

Evidence on the file shows that Government Food Inspector along with other officials on 30.1.1988 at about 5.30 P.M. had raided the Kiryana shop of the revisionist. Revisionist was found in possession of 2 Kg of Zeera kept for public sale. Against payment, Government Food Inspector demanded 450 grams of Zeera. Notice in Form VI regarding taking of sample of Zeera was prepared but without signing the same

revisionist had fled away from the spot after giving a push to the Food Inspector. In view of the evidence of the officials, both the Courts below had rightly opined the revisionist committed an offence punishable under Section 16(1) (c) of the Act.

At the time of commission of crime, revisionist was 54 years old. Now he is about 75 years. Occurrence is dated 30.1.1988. Revisionist remained in custody for about one and a half month. Revisionist is to become a hard criminal if he is sent to jail to undergo imprisonment, as ordered by the trial Court.

Keeping in view the nature of offence and antecedents of the revisionist, I take a lenient view and order the revisionist to undergo imprisonment already undergone and he is also ordered to pay a fine of Rs.15000/-. Rs. 15,000/- is to be deposited before the trial Court within two months. In case the revisionist fails to pay the fine, the revision shall stand dismissed.

With this modification, on the point of sentence, revision being without merit is dismissed.

13.7.2009
Anoop

(JORA SINGH)
JUDGE